Single Bench (3)

(1)

IN THE HIGH COURT OF JUDICATORE AT BILASPUR

CHHATTISGARH

W.P. NO. ...4003.../2004

PETITIONERS : 1] Sunil Kumar Mhaskey S/o. Kashinath Mhaskey, Aged about 49 years, R/o. Pandal Road, Shankar Nagar, Raipur, Tahsil & District Raipur (C.G.)

2] Jashpal Singh S/o. Late Pratap Singh Aged about 40 years, R/o. Village Pandari Marg, Shankar Nagar, Raipur, Tahsil & District Raipur (C.G.)

3] Ajay Shrivastav S/o. Krit Narayan Shrivastav, Aged about 35 years, R/o. Village Pandari Marg, Shankar Nagar, Raipur, Tahsil & District Raipur (C.G.)

4] Nand Kumar S/o. R.R. Sahu, Aged about 31 years, R/o. Village Pandari Marg, Shankar Nagar, Raipur, Tahsil & District Raipur (C.G.)

VERSUS

RESPONDENTS : 1] State of Chhattisgarh, Through: Secretary, Environment and Urhan Development Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)

2] The Municipal Corporation, Raipur a body incorporated under Section 7 of the Chhattisgarh Municipal Corporation Act, 1956, having perpetual succession and common seal having its office at Malviya Road, Raipur.

3] Commissioner, Municipal Corporation Raipur, District Raipur (C.G.)

4] Raipur Development Authority, Through– Its Chief Executive Officer, G.E. Road, Raipur, District Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1] PARTICULARS OF THE PETITIONERS:

As stated above in the cause title.

(49)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WPRD. 4003..... **सन् 200** 4

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	12-8-2005 Shri Manoj Paranjpe, counsel for the petitioners. Shri Sandeep Dubey, Govt. Advocate for the State/respondent No.1. Shri Pankaj Agrawal, counsel for respondents No.2 to 4. Heard. So far return has not been filed on behalf of respondents. The petitioners' case is that their land bearing Khasra No.116/2, Rakba 0.44 acrea/0.177 hectares situated at Pandari Tarai, P.H. No.109, District: Raipur was taken over by the Raipur Development Authority without any authority of law and without any acquisition proceedings. The petitioners were assured at that time that if they move to the R.D.A., then 40% of the acquired land will be allotted to the petitioners in lieu of that land. Thereafter, the petitioners made several representations, but the respondent authorities have not decided those representations. Learned counsel for the petitioners makes a limited request that the petitioners may be allowed to make a representation to respondent No.4 and he be directed to decide the representation in accordance with law to which learned counsel for respondents No.2 to 4 has no objection.	

SP/FS/2005 - 20,000

(51)

(50)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In view of the above, request made by learned counsel for the petitioners is just and fair. The petitioners are allowed to make a detailed representation to respondent No.4 within a week raising all the points and respondent No.4 is directed to decide the representation within a period of 4 months from the date of receipt of copy of the representation. However, at the time of taking decision after considering all the papers submitted by the petitioners, if the R.D.A. reaches to the conclusion that in view of the RDA's policy decision the petitioners are entitled for 40% land in exchange of the land of the petitioners already acquired, then they can consider the claim of the petitioners for allotment of 40% land preferably at Pandari Tarai subject to availability of the land. If that land is not available, then they can consider allotment of any other land with the consent of the petitioners. With the direction aforesaid, the petition stands disposed of. In view of this order, I. A. No.8178/2004 also stands disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	
Barve		

(पीछे देखिये)